

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING ORDINANCE 92-20, KNOWN AS THE UNIFIED LAND DEVELOPMENT CODE OF PALM BEACH COUNTY, FLORIDA AS FOLLOWS: Sec. 4.14 (CODE ENFORCEMENT BOARD, APPOINTMENT OF SPECIAL MASTERS); Sec. 7.6 EXCAVATION, IS AMENDED REGARDING EXCAVATION BY PUBLIC AGENCIES; PROVIDING FOR INTERPRETATION OF CAPTIONS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 125, Florida Statutes, establishes the right and power of counties to provide for the health, welfare, and safety of the existing and future residents by enacting and enforcing land development and administrative regulations necessary for the protection of the public; and

WHEREAS, Palm Beach County Ordinance 92-20 provided for the adoption of the Unified Land Development Code on June 16, 1992, pursuant to Section 163.3202, Florida Statutes to further growth management requirements; and

WHEREAS, Chapters 125 and 163, Florida Statutes, grant authority to the Board of County Commissioners to adopt and enforce land development regulations within the unincorporated area of Palm Beach County; and

WHEREAS, current information and increased population require re-evaluation and adoption of updated development standards; and

WHEREAS, the Board of County Commissioners has determined that the Code Enforcement process should include Special Masters to hear Code Enforcement cases regarding assessment of fines; and

WHEREAS, the Board of County Commissioners has determined that excavation operations should be permitted by certain public agencies ensuring the health, safety and welfare of the residents of Palm Beach County; and

WHEREAS, the Board of County Commissioners has mandated that County staff conduct periodic reviews of the Unified Land Development Code to evaluate its various provisions and propose amendments to resolve new or outstanding issues and comply with the Comprehensive Plan, State Statutes and federal law; and

WHEREAS, the proposed amendments to the ULDC have been reviewed by the Citizens Task Force at public workshops and recommendations of the Citizens Task Force were forwarded to the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners determines the proposed amendments will improve the procedures and standards of the Unified Land Development Code; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, THAT:

PART 1

Section 4.14.G., Code Enforcement Board, Special Master is created as follows:

~~Language crossed out indicates language proposed to be deleted~~
Double underlined language indicates changes proposed at first reading.

1 **G. Special Master.**

2 **1. Creation and appointment.** The Board of County Commissioners may appoint
3 Special Master(s) who shall have the authority to hear any matter which may
4 be heard by the Code Enforcement Board. The Special Master(s) appointed
5 pursuant to this subparagraph shall not be a current member of the Code
6 Enforcement Board. Special Master(s) shall be appointed on the basis of
7 experience, through the sole discretion of the Board of County
8 Commissioners.

9 **2. Qualifications.** Special Master(s) shall have the following minimum
10 qualifications:

- 11 a. be a graduate of a law school accredited by the American Bar
12 Association;
- 13 b. demonstrate knowledge of administrative laws, land use law, and local
14 government regulation and procedures; and
- 15 c. have prior experience serving in a judiciary capacity, or as a hearing
16 officer, mediator, or special master.

17 **3. Duties.** The Special Master(s) shall have the same authority, power and
18 duties as is granted to the Code Enforcement Board and shall function
19 pursuant to Code Enforcement policies and procedures. Hearings and
20 proceedings before Special Master(s) shall be conducted in accordance with
21 the terms of Article 14 of this code and Chapter 162, Florida Statutes.

22 **4. Term.** The Special Master(s) shall serve at the pleasure of the Board of
23 County Commissioners for such period as is determined by the Board.

24 **PART 2** Section 7.6.E.2., Excavation, of the Unified Land Development Code
25 of Palm Beach County is amended to add language as follows:

- 26 n. **Excavations by Public Agencies.** Excavations performed by public
27 agencies, including Palm Beach County, South Florida Water
28 Management District, and water control districts created pursuant to
29 Chapter 298, Florida Statutes, or special districts created by special
30 legislative act, provided such excavations comply with all standards
31 listed below:
- 32 (1) be solely under the jurisdiction, authority, and control of Palm
33 Beach County, South Florida Water Management District, or the
34 applicable ~~water control~~ district,
- 35 (2) be completed, operated, and maintained in perpetuity by Palm
36 Beach County, South Florida Water Management District, ~~or~~
37 water control district, or special district,
- 38 (3) be an official part of the operation and function of Palm Beach
39 County, ~~or South Florida Water Management Control District~~, or
40 ~~approved plan of reclamation of a water control district~~, or a
41 special district,
- 42 (4) schedule and conduct a public hearing; the notice of the public
43 hearing shall be published at least 7 days prior to the hearing, in
44 a newspaper of general circulation, in accordance with Sec.
45 298.33, Florida Statutes, or other applicable acts of a district,

~~Language crossed out~~ indicates language proposed to be deleted
Double underlined language indicates changes proposed at first reading.

(5) provide written notice of intent to engage in excavation activities subject to a permit issued by the South Florida Water Management District to the Executive Director of Planning Zoning and Building Department and the Director of Environmental Resources Management Department at least thirty (30) days prior to the commencement of construction activity, and

(6) provide written notification of public hearing required by this subsection to the Executive Director of Planning Zoning and Building Department and the Director of Environmental Resources Management Department at least thirty (30) days prior to the public hearing.

o. Excavations, canals, impoundments, stormwater treatment areas, and related projects to enhance water quality, water supply, environmental quality, and natural resources operated by the South Florida Water Management District within Palm Beach County.

PART 3. CAPTIONS: The captions, section headings, and section designations used in this ordinance are intended for the convenience of users only and shall have no effect in the interpretation of the provisions of this ordinance.

PART 4. REPEAL OF LAWS IN CONFLICT: All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provision of this ordinance are hereby repealed to the extent of any conflict.

PART 5. SEVERABILITY: If any section, paragraph, sentence, clause, phrase, or word of this ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this ordinance.

PART 6. INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE. The provision of this ordinance shall become and be made a part of the Unified Land Development Code of Palm Beach County, Florida. The Sections of the ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

PART 7. EFFECTIVE DATE. The provisions of this ordinance shall become effective upon filing with the Department of State.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, on the 20th day of May, 1997.

ATTEST: PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS
DOROTHY H. WILKEN

By: [Signature] Deputy Clerk
By: [Signature] Chair

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: [Signature]
County Attorney

EFFECTIVE DATE: Filed with the Department of State on the 23 day of
May, 1997, at n/a m.

~~Language crossed out~~ indicates language proposed to be deleted
Double underlined language indicates changes proposed at first reading.

ATTACHMENT 1

OVERVIEW BY TOPIC INCLUDING CTF RECOMMENDATIONS MAY 20, 1997

SUMMARY OF AMENDMENT: This amendment includes March 25, 1997, Board directives, and issues raised by the Code Enforcement Board. These amendments were forwarded to the CTF and they recommended approval.

PAGE PART

- | | |
|---|--|
| 2 | 1 Section 4.14 (Code Enforcement Board). Incorporate policy language regarding appointment of Special Masters to hear cases involving fine assessment. |
|---|--|

SUMMARY OF AMENDMENTS: This amendment includes a Board directive. This amendment was reviewed by CTF Subcommittees and by the full CTF, with unanimous recommendation to forward to the Board of County Commissioners for consideration.

PAGE PART

- | | |
|----|---|
| 21 | 2 Section 7.6 (Excavation). Incorporate policy language into the ULDC and amend language to reflect excavations performed by public agencies. |
|----|---|

IN ACCORDANCE WITH THE PROVISIONS OF THE ADA, THIS DOCUMENT MAY BE REQUESTED IN AN ALTERNATIVE FORMAT. AUXILIARY AIDS OR SERVICES WILL BE PROVIDED UPON REQUEST WITH AT LEAST THREE DAYS NOTICE. PLEASE CONTACT MAUREEN BARBER AT 561-233-5204.

Second Reading

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on 5/30/97
DATED at West Palm Beach, FL on 5/20/97.
DOROTHY H. WILKEN, Clerk
By: Phyllis A. House D.C.

May 20, 1997